

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed July 28, 2005. Claims 1-48 are pending in this Application. Claims 5, 7, 8, 11, 13, 14, 17, 19, 21, 23, 28, 30, 31, 34, 36, 37, 40, 42, 44 and 46 stand rejected under 35 U.S.C. §112, second paragraph, Claims 1-4, 9, 10, 12, 15, 16, 20 and 22 stand rejected under 35 U.S.C. §102(b) and Claims 5-8, 11, 13, 14, 17-19, 21 and 23- 48 stand rejected under 35 U.S.C. §103(a). Applicants have amended Claims 1 and 3-47 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 5, 7, 8, 11, 13, 14, 17, 19, 21, 23, 28, 30, 31, 34, 36, 37, 40, 42, 44 and 46 stand rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner notes that each of Claims 5, 7, 8, 11, 13, 14, 17, 19, 21, 23, 28, 30, 31, 34, 36, 37, 40, 42, 44 and 46 provide no antecedent basis for "the mediated activity data set." Applicants have amended Claims 5, 7, 8, 11, 13, 14, 17, 19, 21, 23, 28, 30, 31, 34, 36, 37, 40, 42, 44 and request that the Examiner withdraw the rejections under 35 U.S.C. §112.

Rejections under 35 U.S.C. § 102

Claims 1-4, 9, 10, 12, 15, 16, 20 and 22 stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,930,700 issued to David J. Pepper et al. ("*Pepper*").

Pepper discloses a system and method for screening and routing calls directed to a communications services subscriber. A PhoneBook includes a priority number for each entry that is used to determine where an incoming call should be directed. (Col. 9, Lines 12-19). When an incoming call has an intermediate priority, the system attempts to contact the

subscriber and provides a list of call handling options for the subscriber. (Col. 12, Lines 34-41).

Claim 1, as amended, recites a method comprising “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Claim 15, as amended, recites a method comprising “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party.”

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants’ invention. *Pepper* fails to teach a method comprising “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited in amended Claim 1. Additionally, *Pepper* fails to disclose or suggest a method for facilitating mediated virtual communication comprising “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party,” as recited in amended Claim 15. The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1 and 15.

Given that Claims 2-4, 9, 10 and 12 depend from Claim 1, and Claims 16, 20 and 22 depend from Claim 15, Applicants respectfully submit that Claims 2-4, 9, 10, 12, 16, 20 and 22 are allowable. As such, Applicants respectfully request that the Examiner allow Claims 1-4, 9, 10, 12, 15, 16, 20 and 22.

Rejections under 35 U.S.C. §103

Claims 5-8, 11, 13, 14, 17-19, 21, 23, 28-31, 34, 36, 37, 40-42, 44 and 46-48 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Pepper* in view of U.S. Patent No. 6,493,324 issued to John L. Truetken (“*Truetken*”).

Claims 24-27, 32, 33, 35, 38, 39, 43 and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Pepper*.

Truetken discloses a client for initiating and managing multimedia Internet telephony sessions.

Claim 24, as amended, recites a computer program product comprising a computer program capable of “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Claim 38, as amended, recites a computer program product comprising a computer program capable of “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party.”

Claim 47, as amended, recites a system comprising a mediation system being capable of “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party.”

Applicants respectfully submit that the cited references fail to disclose every element of Applicants’ invention as amended. Further, there is no motivation, teaching, or suggestion to combine *Pepper* and *Truetken*. *Pepper* fails to teach at least “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited by amended Claim 24. Additionally, *Pepper* fails to disclose or select a computer program product comprising a computer program capable of “generat[ing] a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled voice-based communication from the mediation subscriber to a mediated party,” as recited by amended Claim 38. Further, *Pepper* and *Truetken*, alone or in combination, fail to teach a system for facilitating mediated virtual communication comprising “generating a pending mediated commitment based on the availability status, the pending mediated commitment indicating a scheduled commitment with a mediated party,” as recited by amended Claim 47. The cited references, therefore, fail to disclose the recited limitations and cannot render obvious Claims 24, 38 and 47.

Given that Claims 25-37 depend from Claim 24, Claims 39-46 depend from Claim 38, and Claim 48 depends from Claim 47. Applicants respectfully submit that Claims 25-37, 39-

46 and 48 are allowable. As such, Applicants respectfully request that the Examiner allow Claims 24-48.

Additionally, Claims 5-8, 11, 13 and 14 are allowable at least because they depend from independent Claim 1 and Claims 17-19, 21 and 23 are allowable at least because they depend from independent Claim 15. Thus, Applicants respectfully request reconsideration and allowance of Claims 5-8, 11, 13, 14, 17-19, 21 and 23.

Information Disclosure Statement

Applicants would like to bring to the Examiner's attention that the Examiner made no indication that Reference "B" submitted with Information Disclosure Statement and PTO Form 1449 filed on April 19, 2005, had been considered in the Office Action mailed July 28, 2005. Applicants respectfully request confirmation of the consideration of Reference "B". Applicants attach a copy of the PTO Form 1449 that was attached to the Office Action mailed July 28, 2005, and respectfully request that the Examiner place his initials next to Reference "B" if citation is to be considered or draw a line through the citation if the citation is not to be considered.

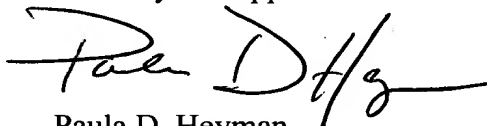
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of Claims 1-48, as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,
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Enclosure: 1) Copy of PTO 1449 Form filed April 19, 2005.



PTO-1449 Information Disclosure Citation in an Application APR 19 2005 PATENT & TRADEMARK OFFICE	Patent Application No.	Applicant(s)	
	09/829,516	Richard L. Schwartz et al.	
	Docket Number	Group Art Unit	Filing Date
	073612.0107	2663	April 9, 2001

U.S. PATENT DOCUMENTS

WN		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
WN	A.	6564261	5/13/03	Gudjonsson et al.	709	227	5/9/00
	B.	6741678	5/25/04	Cannell et al.	379	88.14	5/31/01
	C.						
	D.						
	E.						
	F.						
	G.						
	H.						
	I.						
	J.						
	K.						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	L.							
	M.							
	N.							

NON-PATENT DOCUMENTS

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	O.		
	P.		
	Q.		
	R.		
	S.		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.